

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

625D0201

SENATE BILL NO. 139

Introduced by: Senators Frederick and Drake and Representatives Wudel, Brown (Jarvis), and Duniphan

1 FOR AN ACT ENTITLED, An Act to prohibit eluding a law enforcement officer by means
2 other than a motor vehicle and to provide a penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Except as provided in §§ 22-11-4, 22-11-5, and 32-33-18, any person who flees
5 or attempts to elude a law enforcement officer, by any means other than a motor vehicle, after
6 being given a visual or audible signal to stop, is guilty of eluding a law enforcement officer if the
7 officer is acting under color of the officers' official authority, with reasonable suspicion while
8 attempting to further a criminal investigation, and is in uniform or prominently displays a badge
9 of office. Eluding a law enforcement officer is a Class 1 misdemeanor. Any person who is found
10 guilty of eluding a law enforcement officer is subject to the following additional enhanced
11 penalties if the course of eluding results in:

- 12 (1) Death or great bodily injury to another person, a Class 4 felony;
- 13 (2) Substantial bodily injury to another person or damage in excess of five hundred
14 dollars to public or private property belonging to any governing body or any person
15 other than the person eluding, a Class 6 felony.